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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/899,583
Filing Date: July 06, 2001
Appellant(s): NORMAN, CHARLES WILLIAM

Michael J. Setter
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/08/05 appealing from the Office action mailed 7/6/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,600,648	Furuta	2-1997
5,416,768	Jahromi	5-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 41-42 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Furuta (USP 5600648).

Regarding claims 41 and 44, Furuta discloses a system and method of operating a Synchronous Digital Hierarchy (SDH) system, the method comprising receiving a first SDH signal into a first adaptor assembly (Fig 19, Ref 30a for receiving SDH signal), wherein the first SDH signal has regenerator section overhead information, multiplexer section overhead information, and a payload (col. 2, lines 44-52 and See Fig 12 and 13); in the first adaptor assembly, terminating the regenerator section overhead information (Fig 12, Ref SOH-41 includes RSOH) and the multiplexer section overhead (Fig 12, Ref SOH-41 includes MSOH) information in the first SDH signal; transferring the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload from the first adaptor assembly (Fig 18-19, the ref 30a of fig 19 receives the STM-4 signal and disassembles the STM-4 signal for transmitting to the interface 30c; See Fig 12, the regenerator section overhead, multiplexer section overhead and payloads extract "terminated" from the STM-4) ; receiving the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload into a second adaptor assembly; in the second adaptor assembly (Fig 19, Ref 30c and Fig 12, transferred SOH-41 includes MSOH, RSOH to second adapter), generating a second SDH signal having the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload; and transferring the second SDH signal from the second adaptor assembly (Fig 19, the

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ref 30c of fig 19 and Fig 12, receives the terminated regenerator section overhead, the terminated multiplexer section overhead, SOH-41 includes MSOH and RSOH and payload and inserting them into a second SDH signal STM-1 for transmitting).

Regarding claims 42 and 45, Furuka discloses transferring the terminated regenerator section overhead information and the terminated multiplexer section overhead information comprises adding the terminated regenerator section overhead information and the terminated multiplexer section overhead information to unused space in a transport overhead of a third SDH signal (Fig 12 wherein Fig 12, receives the terminated regenerator section overhead, the terminated multiplexer section overhead and payload and inserting them into a second SDH signal STM-1 for transmitting).

Claim Rejections - 35 USC § 103

2. Claims 35-37, 38-40, 43 and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Furuka in view of Jahromi (USP 5416768).

Regarding claims 43 and 46, Furuka does not disclose the first and second carrier network. However, in the same field of endeavor, Jahromi discloses a system and method for receiving the first SDH signal comprises receiving the first SDH signal from a first carrier network into a second carrier network, and wherein transferring the second SDH signal comprises transferring the second SDH signal from the second carrier network to the first carrier network (Fig 13 wherein the STM-4 signal is drop into a second carrier as STM-1 and insert STM-1 signal into STM-4 signal).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an interface between the first and second carrier as disclosed by Jahromi into Furuka's system. The motivation would have been to route the frame between the low speed carrier and high-speed carrier.

Regarding claims 35-36 and 38-39, Furuka discloses all the limitation of the claimed excepting for SONET signal which includes Section overhead, SOH, is similar to RSOH of SDH and Line overhead, LOH, is similar to Multiplexer Section overhead, MSOH, of SDH. However, SONET and SDH are almost the same. Therefore, it would have been obvious to one of ordinary skill in the art the time of invention was made to apply the SONET signal into a teaching of Furuka because SONET signal is well known and expected in the art.

Regarding claims 37 and 40, these claims are similar to claimed 43 and 46 excepting of SONET signal. These claims are rejected under similar rationale of claimed 43 and 46. However, SONET and SDH are almost the same. Therefore, it would have been obvious to one of ordinary skill in the art the time of invention was made to apply the SONET signal into a teaching of Furuka because SONET signal is well known and expected in the art.

(10) Response to Argument

In the appeal brief the applicant states that Furuta fails to disclose (1) a method and apparatus for receiving an original SDH/SONET signal, terminated overhead such RSOH/SOH and MSOH/LOH in the original SDH/SONET signal and transferring terminated overhead to a second interface for generating a second SDH/SONET that includes the terminated overhead and payload, so the original SDH/SONET signal can be replicated down stream; (2) transfer of

terminated overhead data for use in replicated an original SDH/SONET signal downstream; (3) the transfer of terminated overhead data.

With respect to (1), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **receiving an original SDH/SONET signal, terminated overhead such RSOH/SOH and MSOH/LOH in the original SDH/SONET signal and transferred terminated overhead, new overhead such RSOH/SOH and MSOH/LOH to second adapter, so the original SDH/SONET signal can be replicated down stream**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect (2), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **transfer of terminated overhead data and new overhead and using the terminated overhead in replicated an original SDH/SONET signal downstream**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect (3), the applicant states that Furuka does not teach a method and system for transferring of terminated overhead data. In reply, Furuka discloses the RSOH/SOHs, MSOH/LOHs and payloads (Fig 12 discloses a STM-4 signal that includes four SOH-41 “regenerator section overheads RSOH, multiplex section overheads RSOH and payloads VC-41”.

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RSOH and MSOH, POH-41 and VC-41 are extracted “See arrow of Fig 12, the RSOH, MSOH and payload are terminated/extracted from STM-4 which is a combination of four STM-1 signal” from STM-4 at the first adapter “STM-4 adapter” and transmitting them to the second adapter for generating a second SDH signal “the extracted/terminated, See col. 4, lines 55-65, RSOH, MSOH and payload of STM-4 used to generate STM-1 signal by inserting the extracted/terminated RSOH/SOH, MSOH/LOH, Fig 12, SOH-41 includes MSOH-41 and RSOH-41 and payload VC-41 into STM-1 signal” for transmitting via STM-1 network or extracting the terminated SOH/RSOH, MSOH/LOH and payload of STM-1 from a second adapter and transferring them to first adapter for generating a SONET/SDH signal such STM-4 wherein SDH/SONET, STM signal is generated by inserting these information such SOH/RSOH information, MSOH/LOH information, POH and payload (Fig 19 discloses the STM-1 signal is added into STM-4 SHD/SONET signal and Fig 18, Equipment #A four STM-1 inserted into STM-4). Furuta clearly discloses a method and system for transferring the terminated RSOH/SOH, MSOH/LOH and payload from interface of SDH/SONET, STM-4 to the interface of SDH/SONET, STM-1 which used for generating the STM-1 for transmitting via STM-1, SONET/SDH network and vice versa by extracting the overhead and payload of STM-4. the first interface which extracts “terminated” overhead and payload from STM-4 signal, transfers the extracted “terminated” overhead and payload to the second interface for generating a STM-1. So, the STM-4 signal does not contain the extracted “terminated” overhead and payload because they used to generate a new STM-1 at the second interface.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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